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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,401	02/13/2004	Shini-chi Utsunomiya	1912.69647	2778
7590	11/19/2008	EXAMINER		
Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Dr. Chicago, IL 60606			CHO, HONG SOL	
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
11/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/779,401	UTSUNOMIYA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hong Cho	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10/17/2008.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on 10/17/2008. Claims 1-20 are pending in the instant application.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a computer program, which is non-statutory subject matter.

Re claim 16, the applicant has failed to provide any explicit and deliberate definition for the terms "computer-readable recording medium" within the specification. Therefore, the question becomes whether the terms "computer readable medium" would fairly convey to one of ordinary skill in the art non-statutory embodiments such as a signal. In this instance, it would appear to be reasonable to interpret the medium for "containing" as fairly conveying signals and other forms of propagation or transmission media to one of ordinary skill. Hence, claim 16 is rejected as being directed to non-

statutory subject matter, i.e. "a signal." Claims 17-20 are also rejected since they depend from claim 16 and contain the same deficiency.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1, 2, 5-7, 10-12, 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vlodavsky et al (US 20030161327), hereinafter referred to as Vlodavsky, in view of Liu et al (US 5530703), hereinafter referred to as Liu.

Re claims 1, 2, 5-7, 10-12, 15-17 and 20, Vlodavsky discloses registering information about an attribute of packets that are receivable corresponding to a command; acquiring information about an attribute of the packet received (paragraph [0023]), but fails to disclose execute, upon occurrence of a reception error that there is no information (packet type in claims 2, 7, 12 and 17) in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit, a predetermined reception error handling routine according to a type of the reception error. Liu discloses discarding a packet if the packet type does not match in filtering process performed in a processor (executing a part of the reception error handling routine as a firmware process

executed by a microcomputer, column 10, lines 53-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Liu in abandoning a packet with a packet type not in the system for the benefit of providing secure network communication.

Claim 3, 8, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vlodavsky in view of Liu and further in view of Gupta et al (US 7027394), hereinafter referred to as Gupta.

Re claims 3, 8, 13 and 18, Vlodavsky discloses all of the limitations of the base claim, but fails to disclose abandoning the packet received upon occurrence of a reception error that there is no information about the length of the packet in the attribute registering unit corresponding to the information about the length of the packet acquired by the attribute acquiring unit. Gupta discloses discarding a packet if the packet length does not match a given packet length (column 30, lines 31-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Gupta in abandoning a packet with a different packet length in the system for the benefit of providing secure network communication.

Claim 4, 9, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vlodavsky in view of Liu and further in view of Ptasiński et al (US 20020041570), hereinafter referred to as Ptasiński.

Re claims 4, 9, 14 and 19, Vlodavsky discloses all of the limitations of the base claim, but fails to disclose abandoning the packet received upon occurrence of a reception error that there is no information about the sequence of receiving of the packet in the attribute registering unit corresponding to the information about the sequence of receiving of the packet acquired by the attribute acquiring unit. Ptasinski discloses discarding a packet if the sequence number does not match a given sequence number (paragraph [0227], lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Ptasinski in abandoning a packet with a sequence number not in the system for the benefit of providing secure network communication.

***Response to Arguments***

6. Applicant's arguments filed on 10/17/2008 have been fully considered but they are not persuasive.

The attorney argues that Liu reference fails to disclose claim limitation, “no information in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit” by stating that Liu reference discard a packet based on matching process of one or more flags set in a packet. The examiner respectfully disagrees. Lie reference runs through a filtering process on a received packet by checking a flag value and processes the packet according to the match result as shown in figures 3a, 3b, and 4a-c. The examiner believes that determination of a mismatch in the

filtering process construes there is no information in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit.

Therefore, the Examiner concludes that the rejection of claims stands.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hong Cho/

Hong Cho  
Primary Examiner, Art Unit 2419  
11/17/2008